

REMARKS/ARGUMENTS

The Non-final office action of January 17, 2006 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-31 remain in this application.

Statement Establishing Common Ownership

The undersigned attorney of record hereby states that the invention of the present application and the subject matter of Kung *et al.* (U.S. Pat. No. 6,816,469) was, at the time the present invention was made, owned by or subject to an obligation of assignment to AT&T Corporation. Such common ownership is reflected in the assignment records of the U.S. Patent & Trademark Office.

The above statement establishing common ownership removes Kung as an applicable reference for potential 35 U.S.C. §103(a) rejections.

Obviousness rejection

Claims 1-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Kung (U.S. Pat. No. 6,816,469) in view of Aravamudan (U.S. Pat. No., 6,584,076). This rejection is respectfully traversed.

As set forth above, the invention of the present application and the subject matter of Kung was, at the time the present invention was made, owned by or subject to an obligation of assignment to AT&T Corp. Therefore, the rejection should be withdrawn.

CONCLUSION

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Appln. No.: 10/099,983
Amendment dated April 6, 2006
Reply to Office Action of January 17, 2006

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: April 6, 2006

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